

to the reclassification of membership dues for purposes of the tax on unrelated business income.

(C) Long-standing recognized practice of agricultural or horticultural organizations.

SEC. 1116. CLARIFICATION OF EMPLOYMENT TAX STATUS OF CER-TAIN FISHERMEN.

(a) CLARIFICATION OF EMPLOYMENT TAX STATUS.—

(1) AMENDMENTS OF INTERNAL REVENUE CODE OF 1986

(A) DETERMINATION OF SIZE OF CREW.—

Subsection (fo) of section 3121 (defining employment) is amended by adding at the end the following new sentence:

"For purposes of paragraph (20), the operating crew of a boat shall be treated as normally made up of fewer than 10 individuals if the average size of the operating crew on trips made during the preceding 4 calendar quarters consisted of fewer than 10 individuals."

(B) CERTAIN CASH REMUNERATION PERMITTED.

Subparagraph (A) of section 3121(b)(20) is amended to read as follows:

"(A) such individual does not receive any cash remuneration other than as provided in subparagraph (B) and other than cash remuneration—

"(i) which does not exceed \$100 per trip;

"(ii) which is contingent on a minimum catch; and

"(iii) which is paid solely for additional duties (such as mate, engineer, or cook) for which additional cash remuneration is traditional in the industry."

(C) CONFORMING AMENDMENT.—Section

6050A(a) is amended by striking "and" at the end of paragraph (3),

by striking the period at the end of paragraph (4) and

inserting "; and", and by adding at the end the following new paragraph:

"(5) any cash remuneration described in section 3121(b)(20)(A)."

(2) AMENDMENT OF SOCIAL SECURITY ACT.—

(A) DETERMINATION OF SIZE OF CREW.—

Subsection (a)

42 USC 410.

of section 210 of the Social

Security Act is amended by

adding at the end the following new sentence:

"For purposes of paragraph (20), the operating crew of a boat shall be treated as normally made up of fewer than 10

individuals
if the average size of the operating crew on trips
made during
the preceding 4 calendar quarters consisted of fewer
than 10 individuals".

(B) CERTAIN CASH REMUNERATION
PERMITTED.

Subparagraph (A) of section 210(a)(20) of
such Act is amended to read as follows:

"(A) such individual does not receive any
additional compensation other than as provided in
subparagraph (B)

and other than cash remuneration

"(i) which does not exceed \$100 per trip;

"(ii) which is contingent on a minimum catch; and

"(iii) which is paid solely for additional duties (such
as mate, engineer, or cook) for which additional cash
remuneration is traditional in the industry".

(3) EFFECTIVE DATES.—

26 USC 3121

note.